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Legality of I-485/I-130 filing

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Submitted by Chief Editor on Mar 1st 2010

I married my Canadian wife in November 09 in the US. She had entered the country as a visitor. She flew back to her expatriate parents in Australia. She re-entered the country - POE was LAX - and we linked up in North Carolina to drive north to pick up her belongings in Montreal. We exited the US and then we re-entered. USCIS gave us some difficulty at the border but they let us in together. Now I know I need to file the I-130 form, and I am hoping to file an I-485 for AOS and I-765 so she can work. Is this legal? She is here legally as a visitor with 6 months to stay.

ANSWER:

This is a touchy topic. As long as you revealed to the Post during your last entry that you were married, I see no problem with the 130/485 combo.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [2] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [3]

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